Agenda
Zoning Board of Appeals

City of Kalamazoo

Thursday, August 13, 2026 7:00 PM

City Commission Chambers – 241 West South Street

A. CALL TO ORDER/ROLL CALL

B. APPROVAL OF MINUTES

1. Approval of the meeting minutes from the Zoning Board of Appeals meeting on May 14, 2026, and July 9, 2026

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #26-08-12: 4423 W. KL Avenue. IMR Realty is requesting a variance from Chapter 50-4.5 D (3)(a)[3], to authorize a drive-up window in the front yard (W. Michigan Avenue frontage), where drive throughs in the CC-2 District are only permitted in the side and rear yards for this property.

E. DISCUSSION/ACTION ITEMS

F. REPORTS

G. ADJOURNMENT

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MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
May 14, 2026 - 7:00 p.m.
CITY COMMISSION CHAMBERS

.

Members Present: Allison Haan, Remi Harrington, Joe Hohler III Beth van den Hombergh, and Gary Wark

Members Absent: Tony McReynolds

City Staff: Pete Eldridge, Zoning Administrator; Charles Bear, Assistant City Attorney; Shelby Donaldson, Recording Secretary

Chair Hohler called the meeting to order at 7:03 p.m.

Mr. Eldridge performed a roll call of the board members present for the meeting.

Chair Hohler asked if there were any changes to the agenda and Mr. Eldridge added a reminder of the ZBA training with the City of Portage Zoning Board of Appeals on May 18 at Portage City Hall located at 7900 South Westnedge at 7 and there will be refreshements and snacks, but not a dinner per se.

APPROVAL OF MINUTES:

Chair Hohler asked if there are any corrections that need to be made to last month's minutes and Ms. Harrington asked what he meant by that and is it different than anything that was meant before? Chair Hohler asked if they were accurate to what last month's meeting was and Ms. Harrington said there needs to be something on record surrounding what happened at the last meeting in regard to the attendance of the secretary, which was formerly her, and she would like that to be addressed. Chair Hohler asked what the inaccuracy was in the minutes and Ms. Harrington said it's disordered in terms of the rationale and she made a statement about her attendance being call into question as a reason to nominate someone else and she wanted that to be on record since it's being overlooked right now, she wants it being read into the record for the public domain. Chair Hohler said he doesn't understand and asked if the minutes are missing some clarification that she wants a response to and Ms. Harrington said correct, she wants it to be included into the meeting minutes. Chair Hohler said he wanted to understand there's something she wants to say in response to the minutes and Ms. Harrington stated she wants it on record that she has the exact same amount of

absences as the person the person nominated to replace her. Vice Chair Wark stated he wanted to see more detail between the conversation between Ms. Harrington and himself, he said the second part was fine when they got to their business but as far as the detail goes he would have to go back and look at what was missed but in reading it, there seemed to be a fair amount that was missed. He added about the absences that Ms. Harrington referred to that were the same as Ms. van den Hombergh's, Ms. van den Homberg's was over a 12-month period and Ms. Harrington's were over a seven-month period. Ms. Harrington asked the staff secretary if they would like to address that and added that it was over the 13-month period of the nomination or the election, so all of it and he has to take the cumulative number and not just say over the course of a certain amount and apply it, it was over the course of 13 months. She said she understands that he is trying to justify his position but the reality is that over the course of 13 months, which is the amount of time that the attendance record for the time that she was the secretary in that roll, they have the same amount of absences and she wants that included in the record. Chair Hohler asked if this was discussed at the last meeting, Ms. Harrington said yes and Chair Hohler advised her to make a motion.

Ms. Harrington made a motion that the amount of absences she had is also the same amount of absences that Vice Chair Wark, who used her absences as the rationale to nominate someone else. She added she made a statement at the last meeting that that isn't what should have happened, that if he wanted to nominate somebody for his own, he shouldn't have brought her into it and since he wanted to say her absences were the reason that he nominated Secretary van den Hombergh, she'd like it to be on record that Secretary van den Hombergh has the same exact amount of absences that she does. Mr. Eldridge asked Chair Hohler if he can interject and said this is not appropriate to add to the meeting minutes from the last meeting because these are comments being made that did not occur at the last meeting and what is being said right now is being recorded and will be reflected in the meeting minutes for this particular meeting so it will be on the record, just not on the record for last month. Chair Hohler stated ironically, discussing absences, he wasn't here to hear this discussion, but that was a long-planned absence and Ms. Harrington stated she just wanted it on record. Chair Hohler asked if there were any corrections to the minutes and Vice Chair Wark stated he's asking for more detail. Ms. Harrington wanted to add that this is consistent in a microcosm of what's happening in the United States surrounding the disempowerment of the black constituency, on record. Chair Hohler stated these are recorded and asked if there is a recording that can be referred to and was told yes by Ms. Harrington and Mr. Wark, he then asked what is the procedure and do they just look at the staff secretary and say "write a book…" he then asked Attorney Bear whose responsibility is it to produce minutes more accurate to the meeting if they disagree with it, aside from a small corrections and Attorney Bear stated the responsibility lies with the person who records the minutes and Chair Hohler said he guess that goes to the staff secretary and when she's augmenting this, is it just about the absences that Vice Chair Wark is asking for more detail in the minutes and Vice Chair Wark stated he thinks he said Ms. Harrington wasn't at that meeting when they voted for the officers and he thinks that had she been at that meeting, things would have went very differently, but she wasn't there and she didn't tell the board she wasn't going to be there, and she didn't tell them she was still interested in being the secretary. Ms. Harrington stated that wasn't true and asked Mr. Eldridge to speak to this and Vice Chair Wark asked if she said that and Ms. Harrington said 100% and that he's just not telling the truth and keeps dragging things and he won't stop because that's not what

happened. Mr. Eldridge stated he had an email from Ms. Harrington stating she would be interested in continuing to serve, if that's how the vote turned out and that was acknowledged before the meeting. Ms. Harrington stated there was so much misinformation and Vice Chair Wark apologized and said he wasn't aware of that, Ms. Harrington said it's fine and she's not mad but don't misrepresent her, she's not angry but she's saying he can't espouse misinformation in a public domain. Vice Chair Wark stated none of them knew that and Ms. Harrington stated she sent an email and if that wasn't communicated to the board, she doesn't know what to say. Chair Hohler stated he doesn't recall whether it was or wasn't and Ms. Harrington stated it was and it's on record and again, said don't misrepresent her. Mr. Eldridge stated that he and the staff secretary will review the video footage from the last meeting for that portion of the discussion that went on and make sure we have the detail and if there is something missing we will make note and bring the meeting minutes, with the corrections, back for the next month. Ms. Harrington asked Mr. Eldridge why is it acceptable for Vice Chair Wark to say he wants more information, but it's not to incorporate that into the minutes, but it's not ok for her to say her statement and there's disordered rationale that's not reflective of the reality and Chair Hohler said he doesn't think Mr. Eldridge is saying that what she has to say shouldn't be noted, but it's going to be noted in this month's minutes because it wasn't in last month's meeting. Ms. Harrington asked if this will be in this month's minutes and Mr. Eldridge said correct and Ms. Harrington stated she gets it now and Mr. Eldridge said it's a fair question and what Vice Chair Wark is asking us to do is to go back and see if there's detail missing from the discussion last month, so we will review the audio and video and if there's detail missing, it will be added because if those are things that happened at the meeting, they belong in the meeting minutes but nothing will be added unless it occurred at that last meeting. Attorney Bear added that the actual attendance records weren't available until this meeting and the numbers might have been discussed generally, but not specifically and that's why they have to go in here because they've only been available here and Ms. Harrington said she understands. Vice Chair Wark asked if in the records is there a such thing as excused and unexcused and Mr. Eldridge stated no, we don't do excused, you're either present or you're absent and Attorney Bear stated some boards do that, but it's not provided for in our bylaws. Vice Chair Wark said so if you call in and let people know you won't be there, then there can be a substitute fill in and Attorney Bear said when there is a call in, Mr. Eldridge can be sure that an alternate is available and here, but he needs to be notified in enough time to make that arrangement. Chair Hohler stated clearly the minutes won't be approved and he may want to look at that as well and Ms. Harrington stated she would like to take a tally of everyone's attendance over the course of the years that she's been on the board in contrast to the rest of the board and Chair Hohler we can do that and he will read out the attendance for the last year and Ms. Harrington said he can or can't, or can bring out everyone's attendance since they've been on the board. Chair Hohler said he would look at the spreadsheet for the 13 months preceding that meeting. Ms. van den Hombergh said she guesses one of the concerns that she has is that maybe moving forward they need to have a protocol for absences whether they are excused or unexcused where in a sense if they are going to go through that, are they comparing apples to apples or apples to oranges? For example if someone says they're going to be on vacation, using herself for example, and giving four months, six months' notice, some amount of notice so that one the alternates can be secured, is a big difference than someone not showing up or sending a text or an email without enough time to secure an alternate and to paint another board member as engaging in unkind, unprofessional, and discriminatory practices concerns

her. Ms. Harrington asked if she was referring to her and Ms. van den Hombergh stated she was referring to anybody and that's a problem. Ms. Harrington asked what, specifically, was her problem and Ms. van den Hombergh said if they're going to take attendance, let's make sure there's an accurate comparison. Ms. Harrington stated for her, there have been a few different experiences she's had on this board that make her question why they would want to disempower or create more rigidity towards participation and or how they engage in participation and she thinks that a more judicious approach to addressing the issue of attendance and timeliness would be to re-emphasize the necessity of maintaining a protocol that people call or, to the point that they're making, if you're going to be absent, they would like to know as far in advance as possible and they would like to know people are coming 15 minutes before just so they aren't painting a picture of the people they profess to respect on this board, and what they reflect and represent in our community, to her that feels like a more respectful approach to handling protocol. She said to police the attendance of people on a volunteer constituent board, specifically when there's selective enforcement about what that looks like and whether or not they told a year in advance that they would be gone, or whether they said it the same day the point is the person wasn't there and there is a responsibility that they have to the board but there's a values assessment that feels like it's being called into question. She said selectively enforcing things that are reflective and representative of people, for instance they both have the same amount of absences but what they're really talking about is the way they engage on the board and she feels like there's people that aren't there now, but they're making an assessment about those people and their participation on this board and she thinks that's weird and to be respectful of everyone, to again, re-emphasize the importance of the protocol of attendance and timeliness, the agrees that that is absolutely appropriate and it doesn't embarrass people or call them, their commitment, or character into question. But to do what they are doing now, when it's clear there's an issue of representation, she feels it's an underhanded approach and she finds that corny and she doesn't know why Ms. van den Hombergh is offended and Ms. van den Hombergh said she's not offended. Vice Chair Wark asked if the staff secretary reaches out to the board to find out if they are attending or not and Attorney Bear stated an issue has been identified that has to do with policies and procedures of the board regarding attendance and the board has the ability to adopt policies and procedures through the bylaws and the board can address this by an amendment to the bylaws, but that requires a more thorough discussion and is perhaps a separate issue from what we're dealing with here with the minutes and can be discussed in the future. Ms. Harrington said she wanted to get some clarity from Attorney Bear, and that is that this board wants to raise up a shift in the bylaws to make them more rigid so that people that are not attending have to account for their participation in a way that does what: excludes them from participation or puts them under the scrutiny and speculation and Attorney Bear interjected and stated if you're not here you can't participate and Ms. Harrington conceded that's true. Attorney Bear added that typically with this kind of provision a distinction is made between excused and unexcused absences, excused absences are vacations, family matters that need to be attended to then r. Eldridge is contacted and the board makes a determination whether that absence is excused. Unexcused absences are simply not showing up and not participating, and some boards only allow a certain number of unexcused absences. Chair Hohler stated he was on a board that didn't care and if you had three you were off and Attorney Bear stated he isn't suggesting they go that way, but it's something that can be considered and is that more fair and does it make the distinction between apples and oranges? He added that's something the board can

discuss if it chooses. Chair Hohler stated he doesn't wish to discuss it, he just wishes they were all there every time, but he knows that's not entirely possible. Ms. Harrington stated she wished we would resist the embodied practice of oppression. Chair Hohler stated he's not going to call everybody to be there every possible time they can to be oppressed, and Ms. Harrington stated that's obviously not what she's saying, but to police people into participation, or you're out and Chair Hohler stated this is a volunteer board, not a volunteer when you feel like it, it's you volunteered, you took on this responsibility, now show up and do it. He added he doesn't want to be that guy but now he feels like he's being shoved into that box of being that guy and Ms. Harrington interjected and said let's read the attendance then and Chair Hohler continued that ultimately, they're there as volunteers and if you can't do it as a volunteer, just don't do it and if you signed up to volunteer and you can't do it, maybe you should leave the board. He then said Mr. McReynold's ears must be burning right now because he was expected and he's not there and frankly, he has the most absences of anybody. Ms. Harrington said she doesn't want to throw him under the bus and Chair Hohler said neither does he because he values his opinion when he's there, but he wants him to be there and Ms. Harrington said let's just keep his name out of their mouths and handle it with some civility, let people have their dignity and stop policing people. Vice Chair Wark stated he was on another city board and wasn't able to term out because his work took him to East Lansing regularly and he had to miss what he thought was a fair amount of meetings and he had to resign and someone else stepped up and took his place, it was very easy. Attorney Bear stated the board doesn't have to do anything on this as it stands right now, the commission has the authority to appoint and remove board members so it can be left up to the commission if there is an issue that comes to their attention, and he doesn't know that there is an issue here to come to the commission's attention, but if there was an issue with lack of attendance, that would be pretty significant, somebody's just hardly ever there, then that would go to the commission. Ms. Harrington asked Attorney Bear to read the definition of excused from the bylaws and was told it isn't in the bylaws and Ms. van den Hombergh stated maybe it should be since it's become an issue and Attorney Bear responded that it could be if they wanted it to be, but it doesn't have to be. Ms. Haan said she has a couple of things to say and that they are all adults and don't need to get into what's an excused absence and what's not and defining that is really difficult, she's spent a lot of her career talking about absences for people in professional environments, and she thinks planned absences and unplanned absences are different and they all have things that come up last minute, and she was just talking about things that have happened to her recently that will probably make her unavailable for the upcoming training on Monday, but to her, she thinks they might have a bigger conversation they need to have as a group and she doesn't know if that needs to be in a formal setting or offline, but she thinks they're having a lot of words coming about respect and some accusations being presented, and things she thinks are concerning for the board and personally she doesn't like that. She added that she thinks they are all there because they care a lot about inclusivity in at large, she can only speak for herself, but she experienced that from everyone but she notices there are messages and words that are quite disrespectful to board members and even to people who are in the community and she's witnessed it and it makes her very uncomfortable, so she just wants to say she thinks they need to talk about that at some point, in addition to maybe the issue isn't really about attendance. Ms. Harrington asked Ms. Haan if she would be opposed to having that conversation in the public domain and Ms. Haan responded she doesn't know if it's appropriate to have the conversation in the public or not, but she's comfortable sharing her

thoughts here and she has certainly felt disrespected by Ms. Harrington in the past and Ms. Harrington stated she has also been disrespected by Ms. Haan over the course of several meetings, so she agrees and she is also comfortable having that conversation in the public domain. Ms. Harrington stated she has found Ms. Haan to be extraordinarily disrespectful, passive aggressive, and violent in her communication, Vice Chair Wark said violent? And Ms. Harrington said violent. Ms. Haan said she wasn't comfortable continuing the conversation in public and she's not even necessarily comfortable staying in the room at that point, with the accusations that had just been made towards her to which Ms. Harrington said there is violent and nonviolent communication.

The approval of the meeting minutes from April 9, 2026, as submitted with any corrections, will be pushed to the next Zoning Board of Appeals.

Chair Hohler stated normally we would have public meetings but there is a problem, and Mr. Eldridge will get everyone up to speed and Attorney Bear can weigh in and give directions on what can and can't be done tonight and why.

Mr. Eldridge said the reason he asked for the opportunity to start off is because this is different than the usual public hearing scenario because we began the public hearing for these five cases on West Cork Street, that is 112 West Cork Street through 132 West Cork Street, presented at our February 12th meeting where the applicant spoke about the development project. The public hearing was opened, public comments taken, and the public hearing was closed. The discussion phase was started and that's where things concluded and the board adjourned all five of the cases to this May 14th meeting to provide the applicant time to revisit the Natural Features Protection Review Board and that's where we're at and picking up. He stated, as noted in the staff report, the applicant didn't go to the NFP Board in either March or April, so there's no additional information to share and in the ordinance process it outlines that the NFP Review Board shall review the request, and the applicant took that original request to the NFP Board but now has a different development proposal, a revised development proposal that he's going to go over tonight. An additional comment Mr. Eldridge wanted to make was related to what was noticed publicly for tonight's meeting, the additional information that the board had hard copies in front of them, he blew up the drawing so it's an 11 x 17 to make it a little easier to see, but it is a revised layout with a single drive that will serve all five of the duplexes instead of the original layout that's in the packet, that instead shows a single drive for each duplex, so there is some discrepancy with what was publicly noticed for, and what the new development layout shows and he was going to leave that to the applicant to speak more on, but the board members all have copies and it was also queued up on the computer for the applicant to talk about, but he's sure there will be other questions.

Chair Hohler reiterated that the applicant wants to change the proposal but because that wasn't what was noticed for, the board can't hear it but they can talk about it even though he doesn't see a need to because the public wasn't properly noticed and Attorney Bear said that's correct. Chair Hohler stated they can hear the other five but the applicant may not like the outcome since it was tabled for the express purpose of going to the NFP and instead of going to the NFP, the applicant came up with an alternate idea which still has to go to the NFP and Attorney Bear stated the NFP ordinance requires any variance from the NFP overlay must be reviewed by the NFP Board and then this board, for consideration of that variance after that review, needs a copy of the recommendation from the NFP Board and because this board has neither of those, they can't proceed. There's no proper notice and they don't have the required NFP review and recommendation and Chair Hohler stated it sounds like that's getting tabled until the NFP's had their say on either the old five or the new one and he doesn't want to waste anyone's time if it's going to the NFP and they say "…no, you need to do this or that or whatever…" or they might approve it and it comes back.

Vice Chair Wark asked if they need to make a motion in regard to that and Mr. Eldridge stated action needs to be taken of some sort on the application at hand so this could be moved. Chair Hohler asked if they voted to table it before, or did they just make that decision and Vice Chair Wark said they voted on it. Attorney Bear stated they will need to make a motion and set it over to a time certain because essentially, they're dealing with a new matter so there's going to be a new public hearing at the next meeting. Mr. Eldridge stated it would be moved to the July meeting, that would provide time for the June Natural Features Protection Review Board so this board can make a motion to move these requests to the July meeting.

Vice Chair Wark made a motion to move ZBA 26-02-03 through 26-02-07 to be tabled to the July ZBA meeting, seconded by Ms. van den Hombergh.

The motion was approved by voice vote.

DISCUSSION/ACTION ITEMS:

REPORTS:

ADJOURNMENT:

The meeting was adjourned at 7:41 p.m.

Submitted By____**Date**________________
Recording Secretary

Reviewed By____**Date**_________________
City Staff

Approved By ____ **Date**_________________
Chair

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MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
July 9, 2026 - 7:00 p.m.
CITY COMMISSION CHAMBERS

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Members Present: Allison Haan, Remi Harrington, Joe Hohler III, Beth van den Hombergh, Gary Wark, and Jack Urban (Alternate)

Members Absent: Tony McReynolds

City Staff: Pete Eldridge, Zoning Administrator; Charles Bear, Assistant City Attorney; Shelby Donaldson, Recording Secretary

Chair Hohler called the meeting to order at 7:01 p.m.

Mr. Eldridge performed a roll call of the board members present for the meeting.

Chair Hohler asked if there were any changes to the agenda and Mr. Eldridge said after speaking with Attorney Bear and because the wording of the cases has been slightly modified since February and in the month of May, it makes sense to treat this as a new public hearing and allow the public a chance to speak. He also noted there are only three lots on Cork Street that need natural features protection variances, not five like what was before the board in May.

APPROVAL OF MINUTES:

Mr. Urban moved to approve the meeting minutes from May 14, 2026, as submitted, seconded by Ms. Haan.

The motion was approved by voice vote unanimously.

PUBLIC HEARINGS: Chair Hohler summarized the process and explained the Zoning Board of Appeals public hearing rules of procedures. For each request, the secretary will read the application into the public record. The applicant or their representative will have 10 minutes to present their comments, followed by public comments in favor of the application where they will state their name and address and speak for three minutes. Following that, those in opposition will be invited to speak for three minutes and afterward, those received via phone will be aired for the panelist and audience. The public can call in to 888-382-9556 to leave comments for any of the property on the agenda then the public hearing will be closed to that request. The Board would then conduct the finding of facts. The Board must approve the Finding of Fact. Therefore, the first vote you hear is not a ruling on the request, but the Finding of Fact, then the Board discusses the request in order to determine a ruling. The Board reserves the privilege to ask questions of people who have already spoken even though the public comment portion is closed. Once discussion has ended the Board moves onto a roll call vote. A full board consists of six members, and four affirmative votes are required to grant a motion for a non-use or use variance.

Chair Hohler asked if the first three cases can all be read into the record, even though they have to be voted on separately, since they are all tied together and the same person will present them and Attorney Bear said yes.

Ms. van den Hombergh read the applications for 132, 114, and 112 West Cork Street into the record.

ZBA#26-02-07: 132 W. Cork Street: An application for a dimensional variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Statewide Rentals, LLC. The applicant is requesting variances from 1) the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2H (1), to authorize the proposed development of a duplex with a 24-foot wide shared driveway encroaching into the protected slope 27.78% (2,683.4 square feet) from street level to the ridge of the slope, where protected slopes with a grade greater than 20% are not to be encroached upon and 2) Chapter 50, Section 50-6.2 H (3), to authorize the proposed development of a duplex with a shared driveway which will encroach 21.20% (655 square feet) into the 12.5 foot protected slope setback, where the protected slope setback is not to be encroached upon.

ZBA#26-02-04: 114 W. Cork Street: An application for a dimensional variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Statewide Rentals, LLC. The applicant is requesting variances from 1) the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2H (1), to authorize the proposed development of a duplex which will encroach into the protected slope 6.68% (292 square feet), where protected slopes with a grade greater than 20% are not to be encroached upon and 2) Chapter 50, Section 50-6.2 H (3), to authorize the proposed development of a duplex which will encroach 51.6% (316 square feet) into the 12.5 foot protected slope setback, where the protected slope setback is not to be encroached upon.

ZBA#26-02-03: 112 W. Cork Street: An application for a dimensional variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Statewide Rentals, LLC. The applicant is requesting variances from 1) the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2H (1), to authorize the proposed development of a duplex which will encroach into the protected slope 2.38% (50 square feet), where protected slopes with a grade greater than 20% are not to be encroached upon and 2) Chapter 50, Section 50-6.2 H (3), to authorize the proposed development of a duplex which will encroach 20.2% (240 square feet) into the 12.5 foot protected slope setback, where the protected slope setback is not to be encroached upon.

Please note that this request will not change the zoning classification of the properties. This is a request for a variance regarding only the item described above.

Jeremy Cole, the owner of Statewide Rentals, is requesting relief from the protected slopes and slope setback standards of the Natural Features Protection overlay for three legally platted lots of record on West Cork Street, 112, 114, and 132 West Cork Street. He stated they are modest by right, residential duplexes on lots platted as building lots. He began by stating they are back before the board because the last time he was directed to go back before the Natural Features Protection Board first and return with a recommendation. Section 50-6.2 K (3b) requires an applicant to include, for relief here, must include the NFP Board's recommendation, and that step has been completed and the NFP Board approved the requested relief, which is in the packets. He said the NFP Board attached the condition, which they accepted, that the original mix of grass which was formulated primarily for the sun, be switched for a shade tolerant mix. They agreed this was fair and will specify a shade tolerant, native seed mix. The criteria applied for this condition is set in 50-6.2 K (3A). He began with the first requirement and stated it can't be reasonably utilized for its zoned use without the relief, on lots this narrow, the protected slope and its setback cover nearly the entire buildable area, there's no way to place a home and a code compliant driveway, without them touching them and without relief, these residential lots can't be built on at all.

Next, he explained that for the second requirement, the relief is the minimum needed and stated the disturbance is confined to the driveway, utility connections, and reasonable building placements and in January this was for five separate parcel requests with five separate driveway cuts and now is three parcels with a single driveway that is shared, originating at 132 West Cork. 120 and 126 have been removed from this request, which is about 1,690 square feet of regulated slope disturbance that's off the table, so corridor wide between these five, regulated slope disturbance drops from roughly 5,630 square feet to 3,025 feet, which is a 46% reduction and at 112, the effected slope falls from 5.7% to 2.4% and at 114 it's down from 26% to under 7%.
For the third requirement the relief will not substantially impair the intent or purpose of the overlay because they aren't requesting any woodland relief and are preserving 30.2% of the woodland at 112, 36.7% at 114, and 30% on 132 West Cork, which are all above the 25% minimum and added they are well under the RM15 impervious coverage cap of 60% with more than half of each lot remaining undeveloped and pervious, clustered along the natural features, as Section 50-6.2 J directs. He said protective fencing will surround the preservation areas with no clearing, grading, or storage permitted and added that no stormwater will be directed onto the slope and no utilities are placed within the slope face or its setback.

The fourth requirement is the relief is balanced by conservation and green development tools and they will stabilize all disturbed areas with shade tolerant native seed per the NFP Board's condition and will employ erosion and sediment controls throughout the construction project, will fence and protect the preserved wetland and woodland and will preserve more woodland than the code requires. He stated on the engineering side they will continue to work with the city staff and has approval for underground utility placement beneath the 24-foot-wide shared driveway which will keep shared utilities out of the slope face and setbacks and should detention be required, there is room at 112 West Cork to accommodate. Again, he is asking the board to grant relief for the protected slopes and slope setbacks standards, Section 50-6.2 for 112, 114, and 132 West Cork Street and added all four required criteria are met and now the NFP Review Board has recommended this for approval with attached condition being accepted.

Ms. van den Hombergh wanted to clarify that the only condition the NFP Board placed, which he accepted, was that he mixes in shade tolerant plantings and Mr. Cole said yes.

Chair Hohler asked if there was anyone who wanted to speak for the request and there was no one.

Chair Hohler asked if there was anyone who wanted to speak against the request and Molly Adams of 3118 Ash Street approached stating she has lived on Ash Street for 10 years and it is a relatively quiet spot on the edge of the hill with modest homes, a view, and a buffer of the woods across or directly behind and is established in a great neighborhood. She stated she knows there is an affordable housing crisis in Kalamazoo and she's not without empathy or compassion, but she has concerns that she wants to voice. She wants to know what the implications for this would mean for the residents on their street with their housing values, as well as the disruptions during and after the construction. She stated one of the concerns is 10 feet away from her neighbor's property is questionable erosion potential and 10 feet is what was proposed at the last meeting to set the driveway back. She questioned how to keep drivers safe on Cork, adding five, 10, or more drivers to the duplexes where a blind spot already exists due to the hill when pulling out of Ash and Cork, and the proposed driveway is increasing traffic and adding additional obstacles to those already established residents and stated there is already a speeding problem on Cork. She said in the winter the same Ash residents already go around on Rose during bad snow due to all of the above and with ice and the issues with sliding down the hill or getting stuck on the way up, this driveway will be in the center of the chaos and a safety concern and added moving the driveway to Imperial would now compromise resident's quiet street and slow traffic and there's no right answer. She is pleading with the board to consider quality over quantity and approve two to three duplexes instead of five in this small space if the construction can't be stopped, and move the driveway closer to the Western commercial building, which won't negatively impact the neighbors and will also increase visibility and safety to those driving on Cork, she believes with both changes this would be a huge impact to the quality of life to those that are already established and those starting a new chapter in the duplexes. She claimed her neighbors surrounding her have spoken to this and all have the same concerns, especially regarding the traffic on Cork and where the proposed driveway is and the number of people in the duplexes and added that if there were two people in one building but she's not sure if they will maintain the same owner, if they're selling like has been mentioned in previous proposals, that's a lot of potential people, more than just one or two people per five buildings.

Ms. van den Hombergh wanted to clarify how many buildings would be sufficient if the construction couldn't be stopped and Ms. Adams stated two or three.

Chair Hohler asked if there were any phone in comments and there were none.

Chair Hohler closed the public meeting.

Mr. Urban wanted more information regarding a driveway on the diagram that appears to be heading toward Imperial with parking and wants to know why the access via Imperial was ruled out and Mr. Cole stated the entire map was worked up by himself and Nolan Bergstrom of Natural Features Protection and one of the things he told Mr. Bergstrom is that there's a lot of information on the map and he wanted to stop adding to it, he said it's extremely dense because Mr. Bergstrom kept saying just add it on there, so that is the access road for the excavator to get in and put the 24 foot driveway in and once the driveway is in, the accesses from Cork and that road disappears and the three lots 101, 107, and 113 Imperial Street are separate residentially zoned parcels, RS5 and can't have duplexes on them, the ones discussed are RM15, which are zoned differently and have different densities and they can't take away from those residential lots and include them in the RM15. Mr. Urban asked if his firm owns those three properties shown on the map that has the Imperial access and Mr. Cole said yes and Mr. Urban reiterated that because they're in a different zone, they have different economic considerations and Mr. Cole said not economic, different zoning and this is a zoning question and they have different regulations and rules and said Mr. Eldridge would be able to speak to it. Mr. Urban said he would like clarity from staff why this was configured this way, to which Chair Hohler realized he didn't ask for staff comments and stated they can be made at this time. Ms. van den Hombergh asked Mr. Urban about his economic statement, and he said Mr. Cole corrected him, but he wondered if the lots facing Imperial were subject to different economic considerations.

Mr. Eldridge stated he spoke on this a little at the last meeting, but to clarify, the three lots on Imperial are in the Residential Single Dwelling district and the five lots that face Cork Street are in the Residential Multi-Dwelling District/Natural Features Protection overlay, since the lots on Imperial are not within that NFP overlay, the standards are different as far as development. He said related to the fact that these are RM15 residential multi-dwelling zoned lots, which means they can accommodate a number of dwelling units, even the smaller lots can accommodate up to four dwelling units, he believes 132 West Cork would allow up to 13 which, with the slope situation, would be very impractical but he wanted to point out the zoning allows for a higher density of residential than what the applicant is proposing to build, each lot will have one duplex, so a total of 10 units on five lots and other than that, the applicant made clear the outcome of the NFP board meeting. He said the applicant also came in for a project review meeting the week prior to tonight's meeting and walked through the same diagram that is being shown at this meeting, showing the shared access drive and the utilities for each duplex, and how those will come off of Cork Street. The fire marshal and the public services department all gave their feedback, and all of the final things are being worked out but the applicant is doing everything necessary to get all the answers and approvals lined up.

Ms. van den Hombergh stated she understands there is a housing crisis here, and asked how much is the rent and are any of them income based and Mr. Cole stated right now he can't answer the question because they aren't done yet and they don't know how nice they're going to be, but they aren't getting any public dollars or tax abatements, he is funding them on his own so they aren't asking for money from any other entity to help do this so it's all private funding. He added that if another entity, such as KNHS or an agency like that, says they like the development and would like to acquire them for their long-term rentals, he would have no problem with selling, which was his stance in September. He said that if you are a part of an entity or group that is interested in affordable housing and would like to acquire these after the fact they can have the conversation but right now, they aren't taking any dollars from local, state, or federal.

Mr. Urban stated to Mr. Eldridge the reason this is before this board is because of a natural features protection area encroachment and not for any other reason and the only portion of the property that is affected is the part that faces Cork Street, so he presumes that when staff is working through what is to come to this board, the board's purview can only involve whether they should grant the variance with respect to the slopes and what driveways can be used is beyond their purview as well, correct? Mr. Eldridge said that is correct and he was only pointing out the additional conversations had with city staff about utilities and the access drive just to mention those other elements are also being worked through with the city now that the Natural Features Protection board has looked at this closely and given their recommendation for approval with that one minor condition, so now it's back before this board to give it one more review and affirm or deny that recommendation. Ms. van den Hombergh wanted it to be clear that only the Cork Street facing units are requesting natural features protection relief and any concerns about the driveway don't fall under the purview of this board's decision and Mr. Eldridge said that is correct.

FINDING OF FACT

Ms. van den Hombergh moved the Finding of Fact as follows:

1) The Finding of Fact for 112, 114, and 132 W. Cork Street shall include all information included in the notice of public hearing dated July 2, 2026, in the agenda packet staff provided for this request and staff comments.

2) notices of public hearing were sent, and no responses or call in comments were received regarding the variance.

3) A public hearing was held before the board and public comments were accepted.

4) The Finding of Fact shall include all facts and comments made during the public hearing which are summarized to include, without limitation, the following:

The finding of fact is regarding the three Cork Street properties that face Cork and are looking for natural features protection variances, and those addresses are 132, 114, and 112 West Cork. Mr. Jeremy Cole, owner of Statewide Rentals spoke for his organization and stated he met with the Natural Features Protection Board, who approved the variances on this property with the single condition that they plant shade tolerant native seedlings and Mr. Cole agreed to that. Mr. Eldridge corrected Ms. van den Hombergh in that the Natural Features Protection Board didn't grant the variances but approved a favorable recommendation for these NFP variances. Ms. van den Hombergh asked so that this board has their blessing to move forward, and Mr. Eldridge said that's correct. Ms. van den Hombergh continued and said for example, Mr. Cole mentioned that between 120 and 126 he completely removed some driveways and by removing those driveways, it came to a total of 1,695 square feet of slope that will remain undisturbed. The applicant believes in all of the recommendations and proposed changes by city staff to align this development with city requirements as been met. There were no public comments in favor and there was one comment against the proposal moving forward by Ms. Molly Adams, who is an Ash Street resident, whose concerns were they moved into that neighborhood with the expectation it was quiet, had nature, and setback from the busyness of Cork Street and those houses are smaller, a little more affordable, and they are concerned about their housing values diminishing. In one instance, when one of the neighbors driveway is only 10 feet away from the duplexes and there's concerns with the traffic and people living in the duplexes will have one car most statistically, most likely not and when they have company there will be a lot of traffic, a lot of back and forth in addition to the concern about a blind spot at the hill of Cork and Ash, issues with speeding, and this neighborhood being a cut through street to stay off Cork Street and weather issues with ice. Ms. Adams suggested if construction can't be stopped, instead of having five duplexes, maybe having two or three. Mr. Jack Urban asked Mr. Cole why access to Imperial Street was ruled out and Mr. Cole said he worked with Mr. Nolan Bergstrom from the Natural Features Protection and clarified that was because that's Residential S five butting up to Residential M 15. Residential M 15 allows multi-family dwellings. From city staff, the zoning allows for a higher density, and Mr. Cole could have 10 units on five lots but is asking for five, Mr. Cole met with zoning staff and has been diligently working with the city to meet all the requirements to make this project successful, working with utilities and fire safety. A couple of points of consideration questions asked from the board members: Mr. Cole was asked specifically what the rent would be, because it has been shared from more than one party, the issues with the housing and he's not decided yet and at this juncture, they're not affiliated with any partnership or organization that is going to help pay rent or have some income-based tenants. As a reminder, the Cork Street facing units are the only ones requesting the Natural Features protection variance and as a board when making the decision, concerns about the driveway don't fall under their purview.

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Mr. Wark seconded the Finding of Fact.

Motion for the Finding of Fact for ZBA #26-02-07 approved unanimously by voice vote.

Motion for the Finding of Fact for ZBA #26-02-04 approved unanimously by voice vote.

Motion for the Finding of Fact for ZBA #26-02-03 approved unanimously by voice vote.

Ms. van den Hombergh made a motion to approve the following three applications:

The application for 132 West Cork Street variances from 1) the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2H (1), to authorize the proposed development of a duplex with a 24-foot wide shared driveway encroaching into the protected slope 27.78% (2,683.4 square feet) from street level to the ridge of the slope, where protected slopes with a grade greater than 20% are not to be encroached upon and 2) Chapter 50, Section 50-6.2 H (3), to authorize the proposed development of a duplex with a shared driveway which will encroach 21.20% (655 square feet) into the 12.5 foot protected slope setback, where the protected slope setback is not to be encroached upon.

The application for 114 West Cork Street variances from 1) the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2H (1), to authorize the proposed development of a duplex which will encroach into the protected slope 6.68% (292 square feet), where protected slopes with a grade greater than 20% are not to be encroached upon and 2) Chapter 50, Section 50-6.2 H (3), to authorize the proposed development of a duplex which will encroach 51.6% (316 square feet) into the 12.5 foot protected slope setback, where the protected slope setback is not to be encroached upon.

The application for 112 West Cork Street variances from 1) the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2H (1), to authorize the proposed development of a duplex which will encroach into the protected slope 2.38% (50 square feet), where protected slopes with a grade greater than 20% are not to be encroached upon and 2) Chapter 50, Section 50-6.2 H (3), to authorize the proposed development of a duplex which will encroach 20.2% (240 square feet) into the 12.5 foot protected slope setback, where the protected slope setback is not to be encroached upon.

Discussion:

Chair Hohler quoted number three of the standards that are reproduced in the three reports, it says "…has demonstrated that the relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the overlay district…" and asked Mr. Eldridge because it's a natural features protective overlay, he's assuming that the …"can be granted without substantial detriment to the public good…" is relating to the natural feature and not just some public good writ large and Mr. Eldridge said yes, it is related to the natural feature. Chair Hohler then stated he wanted to go back to what Ms. Adam said because he was listening to her concern about public safety, that would be an inappropriate place in all of the standards, there's no place, really, set aside for public safety except as it relates to the natural features and Mr. Eldridge said his response to that would be what's before the board is variances related to the natural features, as far as safety concerns about where the driveway is located, that would be something the city traffic engineer would weigh in on and this board would not need to take that into consideration. Attorney Bear asked if that would be taken into consideration at site plan and Mr. Eldridge stated that at present, this isn't subject to site plan but the positioning of a new drive opening onto a public street must be approved by Public Services. Chair Hohler said that if there is a safety issue, Public Services is the one who's going to flag it and deal with it and Mr. Eldridge said yes.

Ms. Harrington asked what the size of a standard driveway is and Mr. Eldridge said for a single-family home it can be up to 24 feet wide to which Ms. Harrington stated so the 24-foot shared driveway shown is a standard driveway and Mr. Eldridge said yes. Ms. Harrington asked where, specifically, the imposition of the natural features protection is and Mr. Eldridge stated looking at the screen, the dark black line represents the protected slope setback and you can see where the shared driveway, which is on the far left side, extends through the black line, so it goes into the protected slope setback and the protected slope before it reaches the top of the hill, which is the slope disturbance specifically, that is being created by the driveway. Ms. Harrington said that's the erosion issue Ms. Adams was talking about would an infringement upon the slope setback exacerbate the issue of erosion and Mr. Eldridge stated with steep slopes, that does increase the chance of soil erosion, but that's why there's required protections that have to be put in place, like silt fencing, to stabilize the soil, in addition, the way vegetation can be planted as soon as the slope disturbance is done, to hold that ground in place. He said to answer that question on soil erosion, that is something the city would be watching. Ms. Harrington said her question is why this had to come before the board and is it because of the slope setback and Mr. Eldridge states the protected slope is any slope that is 20% or greater in grade differential, it would be deemed a protected slope and that is a fairly steep slope, and the protected slope setback is 12 ½ feet outside of wherever the protected slope ends, which is at the bottom of that 20% and you have to go out the extra 12 ½ feet before you can build anything on the property or disturb the ground without getting NFP approval. Chair Hohler stated he feels the staff report is right on the money and he said what Mr. Cole was talking about is but for the natural features protection overlay, he would be able to build whatever he wanted within the zoning and he's made efforts to minimize the impact on that and Chair Hohler feels that's why the NFP approved it and he will vote yes, but he doesn't take lightly the concerns of Ms. Adams, but they are outside of this board's considerations and he appreciates there has been effort to minimize the impact, including they went from five driveways to one. He asked if they needed to change to motion to include the NFP condition and Mr. Eldridge said they should acknowledge that.

Ms. Harrington stated she won't be in favor because based on the board's line of questioning, she wants to push back a little and added that she hopes he does put some amazing low-income families in there when he finally gets this project together. She stated when allowances are made to oppose what the standards are, they do that because the reason they do it outweighs the trouble it's going to cause the ordinance. She added while she thinks this is valuable, she's taking into consideration what Ms. Adams said and about the amount of duplexes that will go into this confined area, and what the integrity of the neighborhood is going to be, and she thinks they can be balanced without using codified language to say what we do or do not want in terms of who our neighbors are. She thinks there's an imbalance in this conversation and she hopes it's reflected in what she's saying because she sometimes struggles a bit to say what she means sometimes, but she thinks she's being clear. Chair Hohler stated he wants to be clear and when he's looking at the city standards the city staff has to impose that they have to work by, which of them does Ms. Harrington that staff has gotten wrong and she said she doesn't think staff has gotten it wrong but when asking about low income and are they getting incentives for low income families, city staff said that's outside their purview and that's not what it's about and that's not what the board should be talking about, but she does think that's too many duplexes in a confined space and for the integrity of what that neighborhood represents but she does hope he puts some nice low-income families in there.

Ms. van den Hombergh made a motion to approve the variances for 132 West Cork, 114 West Cork, and 112 West Cork with the conditions from the Natural Features Protection Committee, the first being to plant shade tolerant native seedlings and to plant native trees and shrubs, and shade tolerant grass to restore the damaged area. Mr. Eldridge stated the condition from the NFP board was specific to shade tolerant grass seed, and if they want to add on native trees and shrubs, that would be a separate condition being added by this board. Chair Hohler stated it was in the report, and Mr. Urban said the way it's phrased in the agenda packet, about planting native trees and shrubs, that's a commitment the owner has made to the NFP Review Board and if they want to acknowledge they made that commitment, they may do so in the motion, but it's not a recommendation of the zoning board, but of the NFP Board, and it was the only recommendation they made. Chair Hohler stated he understands that but he wanted to grab everything together and hold the applicant's feet to the fire because people break up with their commitments all the time.

Ms. van den Hombergh made a motion to approve the Natural Features Protection variances as requested by Mr. Cole, for the properties at 132 West Cork, 114 West Cork, and 112 West Cork. There are two conditions that have been added to the request for the Zoning Board of Appeals to vote on today that are being rolled into this application: the first one is the Natural Features Protection Board condition that Mr. Cole take responsibility for planting shade tolerant grass seed and he agreed. Part two is this board is adding that city staff recommended they would like, if this passes, for Mr. Cole to commit to restoring the damaged areas with native trees and shrubs, seconded by Mr. Wark.

Attorney Bear interjected and said the motion stated the way the board wants it but all three properties have been included in the motion and if they're going to vote on each separately then they should have a separate motion, but he thinks this motion can be amended to only reference the first property and for simplicity, simply state you're making the exact same motion with respect to the second property and then the third property, or they could restate the whole thing for each of the three. He added that if you put all three together then you have to vote on all three together.

Chair Hohler stated for simplicity's sake, the first vote will only be for 132 West Cork Street as read by Ms. van den Hombergh and seconded by Mr. Wark. Mr. Eldridge clarified, before taking the vote, that this if for 132 West Cork Street, variance number one only, related to the impact on the protected slope, with the condition that was seconded

Motion was approved five to one by a roll call vote with Ms. Haan, Mr. Wark, Chair Hohler, Ms. van den Hombergh, and Mr. Urban voting for, and Ms. Harrington voting against.

The second vote was to approve the second variance for 132 West Cork Street, related to the encroachment into the slope setback, with that same condition. Motion was approved five to one by a roll call vote with Ms. Haan, Mr. Wark, Chair Hohler, Ms. van den Hombergh, and Mr. Urban voting for, and Ms. Harrington voting against.

Ms. van den Hombergh made a motion to approve 114 West Cork Street, seconded by Mr. Wark with the same condition. This is for item number one for 114 West Cork Street, related to the impact on the protected slope, with the condition. Motion was approved five to one by a roll call vote with Ms. Haan, Mr. Wark, Chair Hohler, Ms. van den Hombergh, and Mr. Urban voting for, and Ms. Harrington voting against.

Mr. Eldridge announced this vote is for variance number two for 114 West Cork Street, related to the impact on the protected slope, with the condition.

Motion was approved five to one by a roll call vote with Ms. Haan, Mr. Wark, Chair Hohler, Ms. van den Hombergh, and Mr. Urban voting for, and Ms. Harrington voting.

Ms. van den Hombergh made a motion to approve 112 West Cork Street, seconded by Mr. Wark with the same condition. This is for 112 West Cork Street variance request number one, related to impact on the protected slope, with the condition.

Motion was approved five to one by a roll call vote with Ms. Haan, Mr. Wark, Chair Hohler, Ms. van den Hombergh, and Mr. Urban voting for, and Ms. Harrington voting against.

Mr. Eldridge announced this vote is for 112 West Cork Street variance request number two, related to impact on the protected slope, with the condition.

Motion was approved five to one by a roll call vote with Ms. Haan, Mr. Wark, Chair Hohler, Ms. van den Hombergh, and Mr. Urban voting for, and Ms. Harrington voting against.

Ms. van den Hombergh read the application for 151 S. Rose Street into the record.

ZBA#26-07-10: 151 S. Rose Street: An application for variances for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Valley City Signs on behalf of 151 S. Rose Street, LLC. The applicant is requesting a dimensional variance from Chapter 50-9.5, to authorize four wall signs that exceed the maximum size permitted per wall sign of 200 square feet. The applicant wants to replace the sign panels on the roof

<u>enclosure with two 385.78 square foot wall signs facing east and west and two 210.69 square foot signs facing north and south.</u>

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above.

Kevin Carlson of Valley City Sign, 509 West River Drive in Comstock Park Michigan, is representing 151 S. Rose Street, LLC., the owner of 151 South Rose Street. They are requesting approval for a dimensional variance to replace the existing Comerica rooftop signage with new Fifth Third Bank signage, the proposal doesn't increase size, height, location, illumination, or number of signs, it simply replaces the existing signage while maintaining the same footprint the existing building has now. He said the only reason they are here is because the city's sign ordinance changed after these signs were legally established and last updated as recently as 2005 and that this isn't a request to create a new non-conforming condition, it is a request to continue to legally established building identification system that became non-conforming, slowly, because the ordinance was updated. He said for more than 50 years, this building has displayed rooftop signage reflecting its principal occupant and has been recognized throughout downtown as the Comerica Building and before that, the ISB Building. The signage has become more than corporate branding, it has become the primary means of identifying one of downtown Kalamazoo's landmark office buildings and as corporate identities evolve, this building should be able to identify its principal occupant. As part of this project, Fifth Third Bank is consolidating its downtown Kalamazoo operations into this building and at the same time the existing Fifth Third Bank name and logo will be removed from the east and west elevation of the current building at 136 East Michigan Avenue and once that signage is removed, this building will become Fifth Third Bank's primary location and it is important the building be accurately and prominently identified so customers, employees, visitors, and the general public can easily recognize and locate this as they approach downtown. Mr. Carlson stated this is simply to continue long established identification systems to continue serving the building's identity and it's also important to recognize are for identification, not for advertising, and unlike storefront signage, rooftop building signage must be designed to fit the scale of the building and height, roof setback, view, and distance surrounding developments all influence the size necessary for the sign to effectively perform its intended function and for that reason, a rooftop identification sign can't be determined by an arbitrary square foot measurement alone, it must be proportionate to the building and legible from the location it's intended to serve. He added the staff report recognized several important factors, including that this property possesses unique, physical characteristics, characteristics whose circumstances weren't self-created, and the approval would not adversely affect neighboring properties, and they agree with those findings but respectively reach a different conclusion as to whether those facts create practical difficulty. The question before the board isn't whether small signs can physically be installed, but whether a small sign can effectively identify a 120-foot-tall landmark office building from the distance which they are intended to be seen and they respectfully submit they aren't because the building is unlike a typical commercial building, the signs are located approximately 120 feet above grade, nearly 60 feet setback from the roof's edge and those physical characteristics are unique to this property and can't be changed. He said each elevation serves an important approach into downtown: the east elevation is viewed from South Pitcher Street, the south elevation is viewed from Cedar Street, the west elevation is viewed from Stadium Drive, and Michigan Avenue and reducing the east or west signs by nearly 50% will substantially reduce readability from those primary approaches. the north elevation is viewed from and applying current square foot limitations to this unique building would produce signs that is no longer proportional to the architecture it identifies and result in a sign that is technically compliant, but functionally less effective and strict application of the ordinance would measure compliance by square footage rather than whether a sign can successfully perform its intended purpose. That practical difficulty becomes more significant because Fifth Third Bank's existing rooftop signage will be removed as part of this consolidation, this building will become the bank's primary downtown location marketing effective building identification, more important, not less. He wanted to acknowledge the west sign experienced storm damage in that past week and he was on the rooftop the day before this meeting and performed an inspection of the sign, which confirmed the sign cabinet and supporting structure remained intact and structurally sound, the only failure he identified was the flexible face material and the important distinction is that the issue before the board isn't the condition of the existing sign structures, the existing trapezoidal sign cabinets are part of the Comerica brand identity, which aren't being carried forward into the Fifth Third Bank identity and while those cabinets could physically remain, they can't be used as Fifth Third Bank signage, therefore replacing the signage requires them to address the current non-conforming sign status. He said the proposed project isn't being driven by structural failure or a desire to increase size or impact of the signage, it's driven by the transition of the building's principal occupant and the need to continue an established building identification system under the new Fifth Third identity. The staff report also concludes this isn't a minimum variance because the signs could be made smaller and they disagree as this request seeks no additional sign area, height, or new location, no increase in illumination or additional signage, it preserves on the dimensions that have lawfully existed for decades and if they were maintained they could remain as legal, non-conforming signs and the only reason the variance is needed is because the principal occupant of the building is changing, the physical impact on the community remains the same and granting this variance results in less change than denying it because it preserves the existing sign envelope rather than requiring a dramatically different appearance on downtown Kalamazoo's most recognizable buildings. Approval wouldn't increase the visual impact of the building, create adverse effects for neighboring properties, or establish a precedent for larger signs elsewhere this request is based on the unique characteristics of this property, its decades long history of rooftop identification, and the continuation of an existing buildings identification system. The purpose of this variance process is to provide relief from the ordinance that creates practical difficulty without advancing the intent of the ordinance and they respectfully submit that this is exactly that situation, the hardship results from the unique characteristics of the property, not the actions of the owner and provides the minimum relief necessary because it preserves only the longes established dimensions required for the building to be effectively identified at its height scale in viewing distance. They are requesting approval for the dimensional variance.

Chair Hohler asked for staff comments, and they were as follows: Mr. Eldridge asked if he could have clarification and asked Mr. Carlson if they were removing the Fifth Third branding signs that are on the building at 136 East Michigan Avenue and Mr. Carlson said yes. Mr. Eldridge stated he looked those up and as far as he can tell those are 590 square feet a piece and are larger signs, so with that being said, staff is going to withdraw the recommendation for denial because he feels this does meet the intent of the ordinance and will result in the removal of four non-conforming signs from another building under the same ownership as this company. He wanted to back up and say the request already met a number of criteria because of the unique location where these signs are located so far above ground level, but one of the things staff struggled with was if it was consistent with the ordinance, which has been changed to limit the size of wall signs, signs in the commercial zone districts and being the actions of the applicant will result in removal of other non-conforming signs, it does meet the spirit of the ordinance, moving in the direction of reducing additional sign clutter throughout the downtown, therefore staff will be supportive of this request.

Mr. Carlson stated at the time of the application it wasn't public knowledge that the signage at 136 East Michigan would be removed from that building.

Chair Hohler asked if there was anyone who wanted to speak in favor of the applicant and there was no one.

Chair Hohler asked if anyone wanted to speak against the applicant and there was no one.

Chair Hohler asked if there were any call-in comments and Mr. Eldridge stated the phone system wasn't allowing him to sign in, so he assumed there were no call-in comments, he apologized if there was someone trying to call in.

Chair Hohler asked if there were any discussion items and Mr. Urban said he was confused because the packet stated that staff doesn't recommend approval of the requested variance, as it doesn't meet all of the above-mentioned criteria, but Mr. Eldridge indicated he is recommending approval of this variance. Mr. Eldridge explained that staff is recommending approval because of the information now shared with the board that they are removing a number of even larger legal non-conforming signs from another building they own, so he is switching the recommendation because it is information they didn't have beforehand. Mr. Urban said it contradicts what was written but he will go with it and Ms. Harrington asked if that would be changed in the record, Mr. Eldridge replied it would be reflected in the meeting minutes.

Chair Hohler closed the public hearing.

FINDING OF FACT

Mr. Wark moved the Finding of Fact as follows:

1) The Finding of Fact for 151 S. Rose Street shall include all information included in the notice of public hearing dated June 24, 2026, and the agenda packet provided by staff.

2) 27 notices of public hearing were sent, and no responses were received.

3) A public hearing was held before the board and public comments were accepted.

4) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include, without limitation, the following:

Kevin Carlson, with Valley City Sign spoke to the board and informed them that they are replacing the existing sign with the same sign and the only reason they are here is because of the zoning ordinance change and staff is in support. The public hearing, there was no one in support or against, and there were no call-in comments.

Mr. Urban seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Mr. Wark made a motion to approve the application for a dimensional variance from Chapter 50-9.5, to authorize four wall signs that exceed the maximum size permitted per wall sign of 200 square feet. The applicant wants to replace the sign panels on the roof enclosure with two 385.78 square foot wall signs facing east and west and two 210.69 square foot signs facing north and south, seconded by Ms. van den Hombergh. (Note: This would be replaced with a new motion which include a condition)

Discussion:

Chair Hohler said he had a question and stated, with regard to staff changing their stance with respect to the request, is because of the other building at 136 East Michigan Avenue, the one that the signage will be removed from and added that if they weren't going to remove the signage, staff would not approve but because the signage is being removed, they do approve. Chair Hohler asked can this board make the removal of the signage at 136 E. Michigan Avenue a condition of approval of the variance. Mr. Wark said that because now that staff is in support, that may change someone's vote and he's happy staff is in support so he thinks they should make it a condition. Attorney Bear stated it can be made a condition. Ms. Harrington wanted to clarify the reason for staff changing their stance is because Valley City Sign submitted they would take the signs off of the other building and Mr. Eldridge said that is the primary reason, they also stated that 151 South Rose Street will become Fifth Third's primary location in Kalamazoo, so the "badging" of this building as a landmark in downtown Kalamazoo for their Kalamazoo operations, it also comes with removing four very large non-conforming signs off of another building they currently own. He added he is supporting because staff is working to reduce added sign clutter throughout downtown and that's what's going to occur here, they worked to reduce billboards around downtown that were being underutilized and this is another situation that Fifth Third has brought. Ms. Harrington wanted to know if they didn't ask for the dimensional variance, could they keep the amount of signs they currently have if they didn't change it and Chair Hohler said if they didn't change it they could keep it but because of the name change but if the Comerica sign was broken, the ordinance would allow for repairs and Mr. Eldridge agreed. Chair Hohler explained the other reason he wants to add a condition is because if someone went back 20 years looking at variances and looked at 136 East Michigan in the future and wanted signs and said, "We've got these giant signs on it already, can we please have a variance?" he wanted it reflected in the minutes that they intended for those signs to go away and can be replaced with conforming signage.

Mr. Wark made a motion to approve the application for a dimensional variance from Chapter 50-9.5, to authorize four wall signs that exceed the maximum size permitted per wall sign of 200 square feet. The applicant wants to replace the sign panels on the roof enclosure with two 385.78 square foot wall signs facing east and west and two 210.69 square foot signs facing north and south, with the condition all of the Fifth Third signage be removed from 136 E. Michigan Avenue, seconded by Ms. Haan.

Discussion:

Chair Hohler stated his initial vote was going to be no but getting to where the ordinance wants to go in a round about way while giving the applicant what they want is a good use of variances and is most likely the least amount of intrusion into the building across the street because they don't have to replace cabinetry and all that good stuff, so he will vote yes.

Ms. van den Hombergh stated she was torn because she understands the four 590 square foot signs will be removed, but there's a reason the zoning was changed for these giant signs 21 years ago and it's 200 for a reason and the two signs that are 305.78 square feet, to keep it at the same well, we're at 185.78 feet above what's allowed now, that's almost double to her way of thinking, and then we have all of these windstorms now a thunderstorm will come in and it's like "Oh, it's just a thunderstorm, a thunderstorm…" then all of a sudden this thunderstorm pops up, and in 15 minutes, trees and we didn't used to have that, it's only been like, in the past five years, so she has some significant concerns about people getting hurt with these giant signs on these tall buildings from 21 years ago, so she's torn. Chair Hohler stated the question should be to Mr. Eldridge because he's talking about sign clutter and Ms. van den Hombergh is talking about safety where the signs size was changed and he's assuming it was a clutter issue and not a safety issue and Mr. Eldridge said that's correct. Mr. Urban asked if it's possible to, in the course of forming a motion to approve this request, to add a condition that has to do with some requirement that the structural integrity of the signs be evaluated with the likelihood of increased wind damage due to climate change, to get Valley Signs to put reinforcing elements to those signs, whether they want to or not. Mr. Eldridge stated there are wind load standards and other code related standards that come into play for signs and they can ask the applicant for clarification on that, but there are already certain code requirements that these signs have to meet and they have to be designed to withstand a certain amount of natural force. Mr. Carlson stated as far as fabrication, this will be a welded structure, no minimal exposed fasteners, for the access doors to service the signs, they will be physically mounted with hinges so that they are permanently attached to the sign cabinet and can't come loose from it. He said the items are encapsulated and there's a cover that goes on there, but they have different means of that attachment such as mechanical fasteners, pop rivets, anything that can't work its way loose and added that the four cabinets up there now the only thing that came loose was the fabric, and it was still intact with the last windstorm, there were no pieces of metal that went anywhere on the building, it was only he fabric that came out of the sign cabinet. He added he's been doing this for almost 30 years and that's an anomaly and the fabric used is rated for wind loads and they have a long history of doing signs and they don't just fall apart but they can add safeties, they've done that in different areas, they can cable and if they need to they can work with their engineers to make sure they're specking the right fasteners, lock tight all of the safety features to make sure nothing comes down. He said if they have questions regarding the removal of the Fifth Third signs, there is a timeline with this being a conversion, so installation of the new signs and decommissioning the old signs is all tailored to Labor Day weekend, having to do that in correlation, there are a lot of moving parts to make that happen, but the signs are coming down as part of his scope. Mr. Urban asked if it would be appropriate to put in as a condition that the sign owner or installer arrange to have a consulting civil engineer evaluate the sign at some point and they would have to commit to doing any additional strengthening the consultant deems necessary? He added that sign is high up and if it comes off the roof, it will do a lot of damage. Attorney Bear said he understands the concern but as far as the design and construction standards of the sign, those aren't part of the zoning ordinance and Mr. Eldridge said they aren't, and for something large like this, we can have the building inspector look at it, he added the wind load comes from the building code, but he doesn't know what the wind load factor is for something like that, that's nine stories in the air, but he can make sure when the sign permits come in, they go to the building inspector to look at the detail. Ms. Harrington stated she thinks this board just wants to know there's a safeguard in place and asked if someone could speak to what it looks like, that if the variance is approved, it still has to go through the building inspector's approval to maintain the structural integrity, that will inherently compensate for the shifts in climate change, degradation, or whatever else can potentially happen, the board just wants assurance and Mr. Eldridge said he can give the assurance that this goes through zoning and will be looked at by building as well, he added that that is a standard, that signs installed around the city meet building code requirements. Attorney Bear said Ms. Harrington was correct as far as the building code but one point he was leading up to, because this is under the building code, those standards aren't under the zoning code, the conditions are aimed at preserving the integrity of the zoning code, so then we're getting into a different code, which isn't in the board's jurisdiction. Chair Hohler said they aren't allowed to add extra building code requirements and Attorney Bear said yes. Ms. van den Hombergh wanted more clarity because she's not necessarily convinced of that and she would like to share that on one hand she understands it's out of the board's purview and there are safeties in place for structure integrity and to all the other people along the way, but she struggles with 21 years ago this was changed, our climate has changed just over the past five years and she feels a sense of responsibility if she was to vote yes on this and then two of these giant signs at nine stories high, that are almost double the variance and it's great they are removing four of the 590 signs, but she would like to come back and see in writing and the structural integrity, what will be different because they are asking to vote on something that was changed 21 years ago and is now nine stories high, she wants to feel good about that decision and have something in writing, what that safety means and what it looks like. Mr. Carlson stated Valley City Sign has manufactured and installed similar signs to this in hurricane zones and haven't had any issues with those, he added they ship signs all over the continental US and installed identical signs in the Florida/Tennessee areas where they faced significantly more wind than what we see here in Kalamazoo, so they have the experience to be able to manufacture these, Valley City Sign doesn't want the liability, Fifth Third doesn't want the liability, 151 South Rose doesn't want the liability, so they will take steps to make sure nothing comes off of the building and they want to make sure they have the safest product out there and said again, they have installed these same types of signs in hurricane zones and have had no issues with those signs. Ms. van den Hombergh said so even with Florida and the Gulf Coast, their fabrication and standards and the model, all of that is the same in the hurricanes as it would be in Michigan and Mr. Carlson stated they have manufactured signs for Fifth Third here in Michigan and shipped them to Florida and it's all the same material and same product, just a slightly different wind load calculation, but the materials used on this are installed all over the US in hurricane zones and they maintain in hurricane situations and given this is on a rooftop, there are additional safety steps taken. He said as he mentioned, they physically weld every element they can so it doesn't detach from the cabinet structure and there are very few removable parts, and they will make sure they use the fasteners that will sustain the wind load. Ms. van den Hombergh wanted to clarify that they were going to use the same wind load calculation for the sign to the same wind load calculation standard that the do to cities that have been hit by hurricanes and Mr. Carlson said Michigan doesn't have the same wind load calculations needed and Ms. van den Hombergh asked if we could have that and Mr. Urban stated that's not this board's business and Chair Hohler added he only has to satisfy whatever the local one is and Mr. Eldridge stated it's the Michigan building code and Chair Hohler said he only has to satisfy that one, not the strongest wind on earth, whatever that may be and people above their heads have made the decisions on some of these things.

Motion approved unanimously by roll call vote.

Ms. van den Hombergh read the application for 1617 N. Drake Road into the record.

ZBA#26-07-11: 1617 N. Drake Rd: An application for variances for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Kalamazoo County Event Center Authority. The applicant is requesting a dimensional variance from Chapter 50-9.5, to authorize wall signs in this residential zone district of 24 square feet. The applicant is proposing wall signs only on the east and west walls of the facility. The east wall of the building will face the parking lot and have multiple entrances. The east wall will have the name of the facility at 941.5 square feet, signage over the sports medicine clinic suite entrance of 174.1 square feet, and signage over the entrance for the turf field of 134.4 square feet. The west wall facing US-131 will have the name of the facility at 728.8 square feet and large block letters that spell out KALAMAZOO of 1,203.3 square feet.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above.

Jane Ghosh, President and CEO of Discover Kalamazoo and a member of The Kalamazoo County Event Center Assessment District Authority Board and Discover Kalamazoo was under management agreement with that authority, and she is here on behalf of both organizations. For some background and as a reminder, this project is a youth and amateur sports tournament facility and currently, youth and amateur sports have about $30 million dollars of annual economic impact in Kalamazoo County, but we're held back because there are no current facilities to host basketball and volleyball tournaments. Hotels voted, last year, for an incremental 4% assessment to fund a new facility and that vote also established the Kalamazoo County Event Center Assessment District. Those hotel assessments started being collected in June of 2025. The facility will have eight basketball courts that can be used as 16 volleyball courts and an additional sheet of indoor turf, so it's a very large facility and the hotels are essentially the hotels are paying for a facility that will have local use Monday through Thursday and tournament use that'll attract visitors, and therefore hotel stays on the weekends, so it's an asset for the community that won't be paid for by the community, the facility is owned by the authority. They've made changes to the project design and several considerations, including since the last time they were here, the building is now located in the far southwest corner of site and from the contents of today's discussion what that means is it's providing even greater distance from potential residential zones. She said there are no signs planned on either the north or south of the building and they've preserved trees on the north of the building further shielding the business of the building from the neighbor to the north and because this is intended to be a regional facility, therefore signage is important and the bulk of the usage on the weekends is going to be from a three to four hour drive market and those visitors will arrive via Interstate 131 or Maple Hill Drive, and when they arrive on Maple Hill Drive, the topography of the site makes it difficult to see. She said it's a very large facility and it will be difficult for guests to orient themselves. On the west side along 131, there are Consumers Energy power lines and there is a high-power easement there, and those power lines also have the potential to further impede visibility along 131. Finally, she wanted to emphasize Kalamazoo and they're very proud of this facility and want to emphasize the Kalamazoo County location on the 131 side. She said one of the nuances is there are multiple entrances to the building, the main entrance, an entrance to the leased space, and an entrance to the turf space and those three entrances require additional signage and added there were multiple neighborhood meetings, one prior to the last time they were before the board and another two weeks ago to get input and to make sure they were good to go with the neighbors and none of the neighbors at that meeting indicated concern with the signage plan.   .

Curt Aardema, of AVB, working with Ms. Ghosh and her team, showed a map with limits of the city of Kalamazoo outlined in red, and said this unique site is located in the northwestern point of the city of Kalamazoo and is a peninsula of land that was annexed, they believe, in the 1960s. He said they met with some of the neighbors, some that have lived in the area for a long time, and remember when that took place, but it's surrounded by Oshtemo Township as well. He zoomed in closer on the site and said on the right side of the screen they were viewing Drake Road and the road immediately south of the site but not reaching the site is Beech Avenue which is a residential road that the project won't be connecting to. He added that the city of Kalamazoo water tower is shown kind of in the middle of the image, and farther south is the Story Pointe Senior Living Center, and the existing Maple Hill Drive is working its way up into the screen, which will be the access point coming into the site, at the lower right corner of the image where it says "site". He then showed an aerial image looking to the east, which shows context as it relates to the city of Kalamazoo where downtown is in the distance and the site is above and just west of 131, West Main Street is in kind of in the upper right, and WMU's campus is in the distance as well, so the image shows a little bit of the context and isolation of the site. Mr. Aardema stated the details are in the packet related to this project, but there was a phase one site plan approval that allowed them to go forward with some of the excavation work on the site, and that's happening right now, and they're in the final stages of phase two full building package that they expect to have completed in the very near future. The next image was a shift where they were looking to the west with US-131 in the distance and showing the site is opening and the future building pad next to the power lines owned by Consumers Energy, then the US-131 frontage as well. Another image, looking south and east with the water tower in the background and West Main is in the distance with the existing Holiday Inn buildings are shown as well and also some of the tree preservation that is occurring, and then the dash line is the roadway that'll be coming into the site and shows where people will be coming from. Next, he showed an onsite photo and explained as you arrive onto the parcel, here he jumped ahead and said in the bottom right corner of this site plan is the image where the roundabout is shown is approximately where they are standing in the image, so it's hard to get the scale of it, but this is where the tree "island" is preserved, just to the right of the center of the image, the entry drive is running on the right side as noted and the building is below the ridge. One key is as people begin to arrive on the site the topography is a bit challenging, and as you start to go up, down, and around, you want to know you're in the right location. The next image is moving a little to the west, of where they were in the last image, again still in the southeast area looking around the trees they are preserving, you will enter the site and begin to see the building in the distance, again the context is difficult to see but where it says building and the arrow just left of that are the large excavators. He showed the site plan and said for orientation all of the dark green are the preserved trees and winding back through the woods to get to the facility, as you turn the last corner there is an image of the building in the distance along US-131 and again, this indicates they've moved to the building all the way to the extreme southwest corner to be away from any future residential that may exist, and they've also preserved those rows of trees, again, along the potential residential development or whatever may come in the future right now it's all vacant land or agriculture. Next, he wanted to show an image of permitted signage in this zone district, which doesn't necessarily anticipate this permitted use is 24 square feet, which is the little red box on the image and he thinks it starts to emphasize the confusion that might exist if that red box were to take place for this facility, they just wanted to show what that potentially looks like within the code and why they're here. Based on the unique elements of the site, the unique elements of the facility and the scale of the facility.

Ms. van den Hombergh asked Mr. Aardema if he had a colored slide of what it would look like with the 24-foot signs and Mr. Aardema stated the new signage is actually in the background on this image as well as in the packet and pointed out the main entry in the middle of the screen and to the right is the proposed “Kalamazoo Championship Sports Center” he stated the images in the packet were early conceptual renderings that were distributed at the neighborhood meeting a couple of weeks ago, what's in the packet is a version of this drawing as well. Chair Hohler asked if it’s going to roughly be similar to the drawings in the packet and Mr. Aardema said that is correct.

Chair Hohler asked for staff comments, and they were as follows: Mr. Eldridge said there are some parallels with this project and the Kalamazoo Country Club, and both projects are in the RS5 zone district, so they are permitted uses, but they are at a significant scale, granted that where the country club is now located there were no sign issues that came up, but we’re dealing with essentially a non-residential use that’s permitted in a residential zone district that has limited signage allocated therefore some level of relief is appropriate for this project. He said looking at the special circumstances surrounding this project, with the scale of the building, the fact that this is a regional sports facility being built next to a highway, which lends to wanting to have some type of identification on the building that’s visible from 131 because a lot of teams participating will be traveling via 131 to get to the facility, to explain the big block “KALAMAZOO” letters that are facing 131 looking, essentially through the Consumers Energy site between the big power line towers. Going back to what’s on the east side of the building with the identifiers over each door, Mr. Eldridge explained having those be of a scale that fits the building, that is visible from a distance with topographic changes that were pointed out by Mr. Aardema, a lot of that was highlighted going through the review criteria regarding why there are special circumstances and that this is in keeping with the spirit of the ordinance, given the uniqueness of the facility.

Chair Hohler asked if there was anyone who wanted to speak in favor of the applicant and there was no one.

Chair Hohler asked if anyone wanted to speak against the applicant and there was no one.

Chair Hohler asked if there were any call-in comments and staff was unable to receive calls.

Chair Hohler closed the public hearing.

FINDING OF FACT

Ms. Haan moved the Finding of Fact as follows:

1) The Finding of Fact for 1617 N. Drake Road shall include all information included in the notice of public hearing dated June 26, 2026, and the agenda packet provided by staff.

2) 34 notices of public hearing were sent, and zero responses were received.

3) A public hearing was held before the board and public comments were accepted.

4) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include, without limitation, the following:

The president of Discover Kalamazoo, Jane Ghosh, reintroduced the project as a youth and amateur sports facility in Kalamazoo County, and gave an overview of the economic impact in our area and stated this will bring more traffic and youth opportunities in our community that don't currently exist. She went over several changes to the project since their last ZBA appearance and at this time there are no signs planned for the north or south sides of the building, and added signage is important for visitors arriving from US-131 and Maple Hill Drive. Factors such as topography, power lines, and multiple entrances are important and make the signage even more important, emphasizing the Kalamazoo County regional center we have.

Curt Aardema, of AVB, showed images including where it will be located and the building will be on the northwesternmost point of the city of Kalamazoo, surrounded by Oshtemo Township and is isolated from downtown, WMU, and other major landmarks and communal areas in Kalamazoo. The building plan has moved it to the most southwest corner of the site for minimal residential disruption. He showed a diagram with a scale of what the signage would look like without a variance against the general renderings provided to the board in the packet so they were able to see if it were to conform but the letters of the sign were much smaller than what they are proposing and visibility is important in this case, according to everyone who's spoken about it. Mr. Eldridge reinforced the level of relief was important given the scale of the building in the regional facility, the need for visibility from the highway and the topography, the power lines, and the uniqueness of the facility is what keeps it all in with the spirit of the ordinance. There were no public comments in person, and the calli-in system is out of order.

Mr. Wark seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Mr. Wark made a motion to approve the application for a dimensional variance from Chapter 50-9.5, to authorize wall signs in this residential zone district of 24 square feet. The applicant is proposing wall signs only on the east and west walls of the facility. The east wall of the building will face the parking lot and have multiple entrances. The east wall will have the name of the facility at 941.5 square feet, signage over the sports medicine clinic suite entrance of 74.1 square feet, and signage over the entrance for the turf field of 134.4 square feet. The west wall facing US-131 will have the name of the facility at 728.8 square feet and large block letters that spell out KALAMAZOO of 1,203.3 square feet, seconded by Mr. Urban.

Discussion:

Chair Hohler stated his thinking is the zoning didn't adequately take into account a building or a development of that size, so therefore some variances from the board are needed and he feels the staff report gets that idea as its unifying theme and he is in support of the signage request. He added unlike the one across the street where they purposely changed the zoning to make the signs smaller (ie: at 151 South Rose Street), this is a flaw in the zoning that doesn't account for this kind of facility, which is why a variance is appropriate to him.

Ms. Harrington stated while she had trepidation about the development, she supported the project, but where she had trepidation is because she is known for her stances on the environment, they made accommodations and she wanted to acknowledge that.

Mr. Wark stated he is also in support, and he agrees with Chair Hohler on his thoughts on the zoning ordinance and it's so isolated that when you drive back there you can barely see it and Chair Hohler stated the trees hide it from inland areas.

Ms. van den Hombergh stated she wanted to thank Ms. Ghosh and even though she recused herself because her stance has been pretty clear and she does serve on the Westwood Neighborhood Association board and that whole deal with the trees was huge and Ms. Ghosh found a way to make it work and the fact she reiterated they found a way to move the property, and she appreciated that. Ms. Harrington stated that's integrity and she appreciates it as well.

Motion was approved by voice vote unanimously.

DISCUSSION/ACTION ITEMS:

Chair Hohler stated the board is going to deal with the minutes from the April meeting and because they weren't on the agenda, he doesn't want to deal with them at this meeting but will at the next meeting.

REPORTS:

ADJOURNMENT:

The meeting was adjourned at 9:51 p.m.

Submitted By____**Date**________________
Recording Secretary

Reviewed By____**Date**________________
City Staff

Approved By ____ **Date**________________
Chair

Zoning Board of Appeals Staff Report

Date: **8/13/2026**
Item: **D.1.**

City of Kalamazoo

TO: Zoning Board of Appeals

FROM: Reviewed by: Christina Anderson, AICP, City Planner/Deputy Director of CPED
Prepared by: Pete Eldridge, AICP, Zoning Administrator

DATE: August 13, 2026

SUBJECT: ZBA #26-08-12: 4423 W. KL Avenue. IMR Realty is requesting a variance from Chapter 50-4.5 D (3)(a)[3], to authorize a drive-up window in the front yard (W. Michigan Avenue frontage), where drive throughs in the CC-2 District are only permitted in the side and rear yards for this property.

BACKGROUND:

The property is half an acre in size and has a 5,153 square foot building divided into two tenant spaces. The property is in the CC2 District. Currently, a tattoo shop is in the east tenant space and a thrift shop in the west tenant space. The site has 17 off-street parking spaces with the current layout. The applicant is proposing to renovate the east tenant space and build a laundromat in this space. Most of the floor space will be designated for public use of the laundry machines and dryers. Additionally, there will also be a laundry drop-off and pick-up service proposed via a window planned for the south side of the building.

The property is triangular with frontage on two public streets (W. Michigan Avenue and W. KL Avenue). Due to the configuration of the site and the building being approximately five feet from the west property line, a front yard is the only location where a drive-up window could be located. The applicant has selected the south front yard for the drive-up window. This side of the building has two curb cuts, provides the required three stacking spaces, aligns with the interior floor plan, is least disruptive to the current parking layout and less visible from W. KL Avenue. The width of this drive between the corner of the south-east corner of the building and the curb is 17.5 feet, which is sufficient for one-way traffic and screening of the drive-up window. The front property line along W. Michigan Avenue angles away from the building, resulting in a distance from the drive-up window to the property line of approximately 26 feet.

The Ordinance allows for drive-up windows or drive-throughs in the rear yard. It also allows these in the side yard when screened from the property line, but not in the front yard, which is why the variance is being requested.

STRATEGIC VISION ALIGNMENT:

Complete Neighborhoods — residential areas that support the full range of people's daily needs

Strategic Goal Impact:
The proposed project aligns with the Strategic Goal of complete neighborhood as it will provide needed laundry services to surrounding residents.

COMMUNITY ENGAGEMENT:

Inform (one-way conversation) – the community will be made aware of the project.

Appropriate Depth of Engagement
A notice was published in the Kalamazoo Gazette on July 27, 2026. Notice of the public hearing was also mailed out to all property owners within 300 feet of the subject property. A notice was also sent to the Arcadia Neighborhood Association.

Engagement/Communication Tools
Newspaper, mailings to property owners, mailing to the neighborhood association, and outreach by the applicant.

FINDINGS:

Staff has made the following findings regarding this request:

1. That there are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for which the variance is sought, that is not applicable to other land or structures in the same zone district.

> **The special circumstances are related to the shape of the property and position of the existing building. The property is triangular with frontage on two public streets. Further, the building is positioned so close to the west side of the property line that there is no space for a drive-through lane in the side yard. Adding to these special circumstances is the fact that W. Michigan Avenue dead ends into the railroad parcel to the west, so there is very little traffic on this leg of W. Michigan Avenue.**

2. That there are special circumstances which are not the result of the actions of the applicant or titleholder of the land.

> **The special circumstances were not created by the applicant. These are pre-existing circumstances as the site was originally laid out for a gas station with the original**

building located along the west property line. Then this building was added on to and extended to the east across the middle of the site.

3. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zone district, and would cause practical difficulty.

The terms and provisions of the ordinance would not allow a drive-through on this site due to the shape of the lot and building placement. However, a traditional lot configuration would permit a drive-through in the side or rear yards in the CC2 district for this location.

4. That the granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.

The granting of the variance will allow for a drive-up window that will not be contrary to the public interest. Further, there is sufficient space to provide screening between the drive-up window and the front property line to reduce the visual impact of a drive-up window.

5. That the granting of the variance will not adversely affect adjacent land in a material way.

The granting of the variance will not adversely affect adjacent land as there is no development south of the site between it and the railroad tracks. To the east, north and west are existing commercially developed properties. The office building to the east has a curb cut close to W. KL Avenue, so customer traffic for this business would not pass by the drive-up window location.

6. That the granting of the variance will be generally consistent with the purposes and intent of this Ordinance.

The granting of the variance will be generally consistent with the Ordinance as the visibility of the drive-up window will be minimized with the placement in the front yard of the site with the least amount of traffic and the location will be screened from the public street.

7. Where the requested dimensional variance involves required landscaping, the Zoning Board of Appeals may grant a variance upon the following additional criteria: 1) existing landscaping, screening or wetlands intended to be preserved meets the intent of this section; 2) the landscape design proposed by the applicant meets the intent of this section; 3) there is a steep change in topography that would limit the benefits of required landscaping; 4) the proposed building and parking lot placement is setback well beyond the minimum required; 5) the abutting or adjacent land is developed or will be developed in the near future with a use other than residential; and 6)

similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

This criterion does not apply to the requested variance.

RECOMMENDATION:

Staff recommends approval of the variance as it meets the above review criteria.

Community Planning and Economic Development
245 N. Rose Street, Ste. 100
Kalamazoo, MI 49007
PH: (269) 337-8044
FAX (269) 337-8429
www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

July 27, 2026

RE: ZBA #26-08-12
4423 W. KL Avenue
Parcel #06-19-358-001

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by IMR Realty for 4423 W. KL in the Commercial – Community District (CC-2)

The applicant is requesting a variance from Chapter 50-4.5D (3)(a)[3], to authorize a drive-up window in the front yard (W. Michigan Avenue frontage), where drive throughs in the CC-2 District are only permitted in the side and rear yards.

Please note that this request will not change the zoning classification of the property. This is a request for variance only regarding the item described above.

The meeting will be held on Thursday, August 13, 2026, at 7 p.m. in the City Commission Chambers at City Hall, 241 W. South Street. This meeting will also be streamed live on the **City's Facebook page** and **YouTube Channel**.

To examine documents related to this request or provide written comments, please contact Pete Eldridge at eldridgep@kalamazoocity.org or call (269) 337-8806. The agenda will be posted at https://www.kalamazoocity.org/boards

Sincerely,

Peter C. Eldridge, AICP
Zoning Administrator

Zoning Board of Appeals Application

Submitted on	8 July 2026, 7:06PM
Receipt number	68
Related form version	14

Introduction

Have you scheduled a pre-application meeting?	Yes

Applicant Information

Name	Idris Rashid
Organization (if applicable)	IMR Realty LLC
Email Address	businesswithrashids@gmail.com
Phone Number	248-872-8544
Address	4413 W KL Ave, Kalamazoo, MI 49006, USA Map (42.2771232, -85.64497229999999)
Preferred Contact Method	Email
Are you the property owner?	No

Property Owner Information

Name	Roy Almaguer
Mailing Address	4413 W KL Ave, Kalamazoo, MI 49006, USA Map (42.2771232, -85.64497229999999)
Phone Number	2692716741
Email Address	manifoldartstudio@gmail.com
Preferred Contact Method	Email

Authorization from property owner:	Authorization.pdf

Property and Application Details

Property Address	5290 Driftwood Ave, Kalamazoo, MI 49009, USA Map (42.28582849073196, -85.65397949160156)
Parcel Indentification Number	06-19-358-001
Zone District	CC
Type of Request	Use Variance
Application Fee	$375.00
Project Description & Reason for Request	IMR Realty LLC would like to add a drive thru door/widow on the south side of the building to include a drive thru lane for a drop and go laundromat. This will be limited traffic to include no more than 3 cars in drive thru at a time.

Use Variance Review Criteria

Is there a hardship that is unique to the land or structure that is not applicable to other land or structures in the same zone district?	No
Are the special circumstances created by actions of the applicant?	Yes, would like to have a pickup window added to the building
Will the granting of the variance be the minimum action necessary for the use of the land or structure that will meet the spirit of this Ordinance?	Yes
Will the granting of the variance negatively affect adjacent land?	No
Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?	Yes

Supporting Documents

Supporting Documents	PickUp Window Variance.pdf

Submit

Your Signature

From: **Connor Schultze** connors@naiwwm.com
Subject: Fw: West KL Tattoos
Date: July 8, 2026 at 4:35 PM
To: I R idrisrashid@hotmail.com, Marcia Rashid businesswithrashids@gmail.com

CS

Connor Schultze
Commercial Real Estate Associate
naiwwm.com

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Direct +1 269 370 6437

NAI Wisinski of West Michigan
COMMERCIAL REAL ESTATE SERVICES, WORLDWIDE

View My Listings

From: Roy Almaguer <manifoldartstudio@gmail.com>
Sent: Wednesday, 08 July 2026 16:25:08
To: Connor Schultze <connors@naiwwm.com>
Subject: West KL Tattoos

I, Rogelio Almaguer, member of West KL Tattoo Studio, LLC: property owner of 4413 and 4423 W KL Ave authorize agents of IMR Realty LLC to discuss site plans and variances for approval.

Thank you,
Rogelio Almaguer.

THE CITY OF Kalamazoo

Community Planning & Economic Development
245 N. Rose Street, Suite 100 • Kalamazoo, MI 49007
(269) 337-8026 • www.kalamazoocity.org

ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

Specific Project Details (may also provide on a separate sheet):

Looking to add a pickup/drop off window to the south-east corner of 4423 KL Avenue for guests to be able to do business at our laundromat without getting out of their vehicle. This is the only place on the building to put one being it's positioning and location because it does not have a rear yard due to its shape. It has frontage on the 2 adjoining public streets.

Review Criteria for Dimensional Variances

ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

There is not another concept like this in this market. However, in larger markets this concept exists. It's purpose is to bring convenience and efficiency to the guests it will serve. This will be a renovation of an existing building with a unique shape. The parking layout and shape of the building fits perfect for the drive thru. This is a low traffic section of KL/W. Michigan and will be a great addition for this community.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The ordinance does allow for a drive thru in the rear yard, and that cant be accomplished in the current building layout.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

A traditional lot with front, side, and rear property lines could accommodate a drive-through within the rear yard. However, this property does not have a designated rear yard.

Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There will be no impact to the public, and will bring a good business to the community if granted.

Will the granting of the variance negatively affect adjacent land?

It will bring a modern business to the street, community, and neighbors. The adjacent land is a railroad and dilapidated parking space.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

I am unsure if it does.

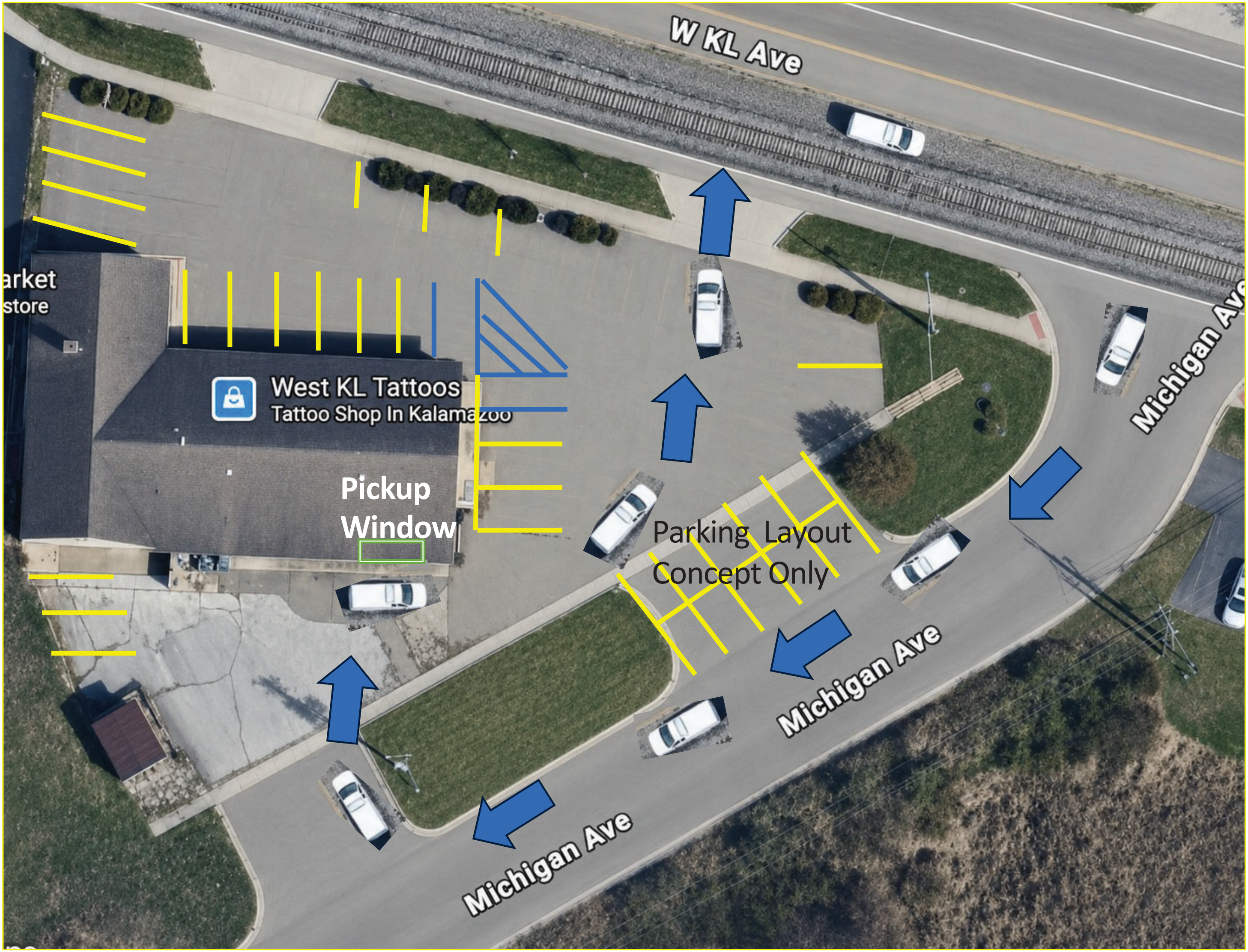
Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

We will preserve the landscape, and update and beautify it.

Does the landscaping proposed by the applicant meet the intent of this section?

We will keep what is there and beautify it.


W KL Ave
arket
store
West KL Tattoos
Tattoo Shop In Kalamazoo
Pickup
Window
Parking Layout
Concept Only
Michigan Ave
Michigan Ave
Michigan Ave

East Side

West Side

South Side

Window Location

LEGEND

Override 1

PARCEL MAP

Parcel

GENERAL INFORMATION

City Boundary

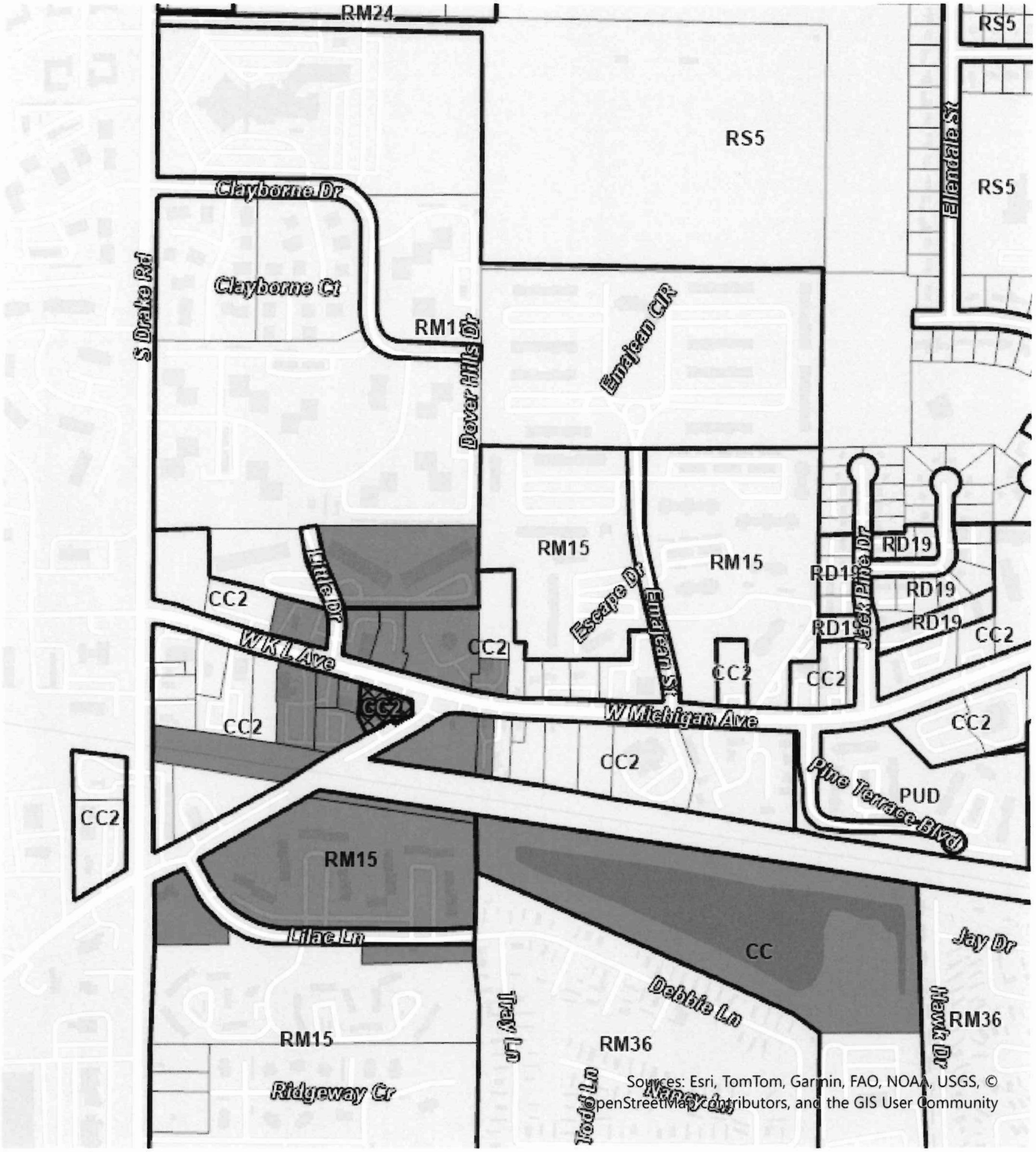
PLANNING & ZONING

Zoning

CC

CC2

RM15



Parcels within 300' Mailing Radius

4423 W KL Ave

Subject Property

Property within 300' Mailing Radius

Other Property

Zoning District Boundary

N

0 162.5 325 650 ft